

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE No. 2017-018

**AN ORDINANCE TO CREATE TITLE 8 OF THE CITY OF SOUTH FULTON
CODE OF ORDINANCES, TRAFFIC AND VEHICLES, AND TO ESTABLISH
GENERAL RULES OF THE ROAD FOR THE CITY OF SOUTH FULTON.**

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the City Council is authorized by O.C.G.A. § 4-6-371 to enact ordinances regulating motor vehicles and traffic with respect to streets and highways under their jurisdiction;

WHEREAS, pursuant to City Charter Section 1.12(b)(18), the City is authorized to regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys, and walkways of the City;

WHEREAS, the City finds it to be in the public interest and for the health, safety, welfare, comfort, and well-being of the City and its inhabitants to regulate motor vehicles and traffic within the City;

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

Section 1: Establishment of Traffic and Vehicles Code of Ordinance

Title 8 of the City of South Fulton Code of Ordinances is hereby established, which shall include the following language:

Title 8: Traffic and Vehicles

Section 2: Adoption of General Rules of the Road

Chapter 1 of Title 8 of the City of South Fulton Code of Ordinances is hereby established, which shall include the following language:

Chapter 1: In General

Sec. 8-1001. - Adoption of State and Federal Laws

(a) *Adoption of federal law by reference.* For the purpose of regulating vehicles and traffic in the City, there is hereby adopted, as if fully set out herein, the following federal regulations:

- (1) Reference 49 C.F.R. 382, 383, 390-393, and 395-397, the Commercial Motor Vehicle Safety Act of 1986; and
- (2) The Federal "Out of Service" Criteria as amended from time to time.

(b) *Adoption of state law by reference.* Pursuant to Chapter 6 of Title 40 of the Official Code of Georgia Annotated, O.C.G.A. §§ 40-6-372 through 40-6-376, O.C.G.A. § 40-6-1 *et seq.*, known as the "Uniform Rules of the Road," and the definitions contained in O.C.G.A. § 40-1-1 are hereby adopted as and for the traffic regulations of this City with like effect as if recited herein.

Sec. 8-1002. - Penalties.

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than six months, confinement at labor for a period of time not to exceed 30 days, or any combination thereof.

Sec. 8-1003. - Temporary Traffic Regulations.

In cases where traffic upon the streets may become congested upon occasions of parades, at theaters, and other public assemblages where large numbers of vehicles are assembled, the police may make temporary rules directing and regulating the traffic in these congested districts, and any person, who, after being warned of the temporary traffic regulations, shall violate them shall be liable for that violation as for other violations of this Chapter.

Sec. 8-1004. - Funeral processions.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Funeral procession means a group of vehicles traveling from a funeral home or similar business to a cemetery or other proper burial site. Funeral processions shall be lead by a funeral vehicle such as a hearse, and all cars in the procession shall burn regular headlights and stay in close formation.

(b) *Vehicles given the right-of-way; exception.* Vehicles of a funeral procession shall have the right-of-way over all vehicles, except authorized emergency vehicles, provided such vehicles shall identify themselves by burning regular headlights and

shall keep in close formation. When the lead vehicle in a funeral procession has entered an intersection on a green light, all other cars in the procession may proceed through the intersection, even though such signal may change to red.

Sec. 8-1005. - Speed limits on City roadways.

- (a) *Speed limits.* Public streets or parts of the public streets within the City shall be subject to maximum speed limits as provided by O.C.G.A. § 40-6-181, which is incorporated herein by reference, and further as identified by posted regulatory signs where applicable. The City may revise, add to, or amend the applicable maximum speed limits on its public streets pursuant to the statutes and regulations governing the establishment or alteration of speed limits and zones in the state.
- (b) *Speed detection devices.* All law enforcement personnel of the City who are certified in the use of speed detection devices are authorized to use such devices, in accordance with all applicable laws and regulations, in the locations designated by the City and as approved by the state department of transportation and the state department of public safety.

Sec. 8-1006. - Skateboards and bicycles.

- (a) No person shall ride a bicycle or propel rollerskates, skateboards, or other similar devices upon a public street, highway, or sidewalk in a manner which would constitute an unreasonable danger to the public or which would disrupt the public's ordinary and customary use of such street, highway or sidewalk.
- (b) No person shall ride a bicycle or propel rollerskates, skateboards, or other similar devices on sidewalks which are properly designated for pedestrians only. The chief of police and other departments of the City, after approval of the City manager, are authorized to erect or have erected signs on any sidewalk or roadway prohibiting the riding of bicycles or propelling of rollerskates, skateboards, or other similar devices. When such signs are in place, no person shall disobey the signs.
- (c) Whenever any person is riding a bicycle or skating upon a sidewalk, that person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing the pedestrian.
- (d) Any person violating any provision of this Chapter is guilty of a violation of this Chapter to be punished pursuant to Sec. 8-1002; provided, however, that any offender under the age of 17 years shall be treated as provided by O.C.G.A. Title 15, Ch. 11 (O.C.G.A. § 15-11-1 *et seq.*). The parent of any child and the guardian of the person of any ward shall not authorize or knowingly permit that child or ward to violate any provision of this section.

Sec. 8-1007. - Private residential property trespass and private residential property trespass towing.

- (a) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Park means to park unattended or abandon a vehicle on private residential property without authority or permission of the owner or occupant of the private residential property.

Private residential property means residential property within the City which is privately owned and which contains not more than four residential units thereon.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

Wrecker or wrecker service shall mean an automotive vehicle with hoisting apparatus and equipment for towing vehicles which meets the qualifications imposed by the Georgia Department of Public Safety and the City for nonconsensual towing pursuant to the provisions of O.C.G.A. § 44-1-13, as may be amended from time to time, and the transportation rules of the Georgia Department of Public Safety, as may be amended from time to time.

- (b) *Prohibited on private residential property without invitation.* It shall be unlawful for any person to park a vehicle upon private residential property in the City without invitation or permission from the owner or person in legal possession of the premises. Any person or his or her authorized agent entitled to the possession of any parcel or space of private residential property shall have the right to remove or cause to be removed from the private residential property any vehicle thereon which is not authorized to be at the place where it is found and to store or cause to be stored such vehicle.
- (c) *Removal and storage.* Upon notification by a person entitled to the possession of private residential property that a vehicle is trespassing thereon, the City police department shall provide such person with the name and telephone number of the City's authorized wrecker service for nonconsensual towing, as determined by resolution of the council of the City. The City police department shall not contact the wrecker service directly for the removal of the trespassing vehicle from the private residential property, but shall assist the person owning the private residential property by providing the name and telephone number of the City's authorized wrecker service for nonconsensual towing.
- (d) *State law adopted.* The provisions of O.C.G.A. § 44-1-13 are hereby adopted by reference.

Sec. 8-1008. - Nonconsensual towing carriers; public electronic notification system; other purposes.

- (a) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Department means the Georgia Department of Public Safety.

Nonconsensual towing means without the prior consent or authorization of the owner or operator of the motor vehicle being towed.

Nonconsensual towing carrier means a wrecker service engaged in the towing of trespassing vehicles on private property without prior consent or authorization of the owner or operator of the vehicle and having a secure impoundment facility.

Normal business hours means operating hours of a nonconsensual towing carrier as approved by the Department.

Secure impoundment facility means a facility owned or leased by a towing company for the purpose of providing secure storage of towed vehicles.

Wrecker means an automotive vehicle with hoisting apparatus and equipment for towing vehicles. The term "wrecker" also includes any vehicle otherwise equipped and used for the purpose of towing vehicles.

- (b) *Compliance required.* The requirements of this section shall be in addition to any and all requirements of the Department in its authority to regulate and control the towing of trespassing vehicles on private property as provided in O.C.G.A. § 44-1-13. It shall be unlawful for any nonconsensual towing carrier to use or operate upon any of the streets of the City without complying with this section.
- (c) *Lettering on wreckers.* It shall be unlawful for any person, either as principal, agent or employee, to use or operate upon any street of the City any wrecker unless the vehicle shall have lettered on each side in plain view the name of the person owning and causing the wrecker to operate on the streets of the City, the address from which the wrecker is operating and the telephone number. This lettering shall be in a contrasting color to the color of the wrecker and shall be at least two and one-half inches in height, and shall be permanently affixed to the wrecker. Magnetic signs are prohibited.
- (d) *Notification upon removal of vehicle at request of other than police officer.*
- (1) The operator of any wrecker removing a vehicle at the request of any person other than a police officer on duty for the police department shall report by

electronic means to the police department the fact that the vehicle was removed, released and its present storage place, together with a description of the vehicle, vehicle identification number and the tag number. The electronic report shall be made by the wrecker driver by electronic communication within one hour of the deposit of the vehicle at its storage point and within 24 hours of its release to the vehicle owner or agent of the vehicle owner.

- (2) The police department shall be authorized to engage the services of a person or entity authorized by the state to provide notice to owners of towed or impounded vehicles.

(e) *Impound lot; attendant.*

- (1) Upon impoundment of any vehicle by a wrecker service, the wrecker service shall maintain all records required by the Department, including the following information:

- i. Date and time the call was received by the wrecker service;
- ii. Name of the caller;
- iii. Date and time of initial towing;
- iv. Place of initial towing;
- v. Date and time of arrival at the impound lot;
- vi. Date and time of release to the owner of the impounded vehicle; and
- vii. Name of the wrecker driver and helper.

- (2) The records required in subsection (1) above shall be maintained at a location where affected members of the public may obtain such information electronically, by telephone or in person, during normal business hours. Further, all wrecker services, public and private, which impound vehicles pursuant to this section shall register with the police department the current telephone number of the person responsible for releasing the vehicles.

- (3) It shall be unlawful for any wrecker service to operate in the City without employing the services of a check approval agency and the major credit card services; and it shall be unlawful to refuse to accept, in lieu of cash, any check which can be insured by a check approval agency, any draft drawn on a credit union which can be insured by a check approval agency or any major credit card for the payment of any and all fees and costs resulting from the towing and storage of the impounded vehicle. For purposes of this subsection, the term "major credit card" means a Visa, MasterCard, American Express and Discovery card.

- (f) *Penalties for violation of this section.* A violation of any provision of this section shall result in the following penalties:

First offense: \$250.00

Second and subsequent offenses: \$500.00

Sec. 8-1009. - Direction of traffic.

- (a) It shall be unlawful for an individual, business, private contractor or other entity to utilize the services of an off-duty public safety officer to direct traffic in a public right-of-way within the City for its clients, employees or events without having obtained a permit from the City to do so as hereinafter provided. "Direction of traffic", as used in this section, shall mean the controlling or restricting of movement of any motor vehicle that is traveling in a public right-of-way within the City.
- (b) A public safety officer utilized by an individual, business, private contractor or other entity to direct traffic shall be approved by the City police department as qualified to do so and shall be subject to all applicable rules, regulations and guidelines of the City's police department.
- (c) Every individual, business, private contractor or other entity desiring to obtain a permit required by this section shall make written application to the City's revenue department in the form approved by the department. The application shall provide all information as may be requested by the City. Failure to furnish any information requested by the City in consideration of the application within 30 days of request by the City shall result in automatic dismissal of the application.
- (d) Any application for a permit submitted to the revenue department pursuant to this section shall be subject to the approval of the City's public works department, with the concurrence of the City's police department. Approval of a permit under this section, when given, is subject to modification or cancellation by the City at any time by providing seven days' written notice of modification or cancellation to the holder of the permit.
- (e) A permit issued under this section shall be renewable on an annual basis. At all times, an individual, business, private contractor or other entity having obtained a permit pursuant to this section must have on display, in a conspicuous location within the offices of the individual, business, private contractor or other entity as designated in the permit application, the permit for the current permitting year, to be available for inspection by authorized representatives of the City at all times.
- (f) Any individual, business, private contractor or other entity who violates this provision is guilty of a violation of this Code and shall be punished as provided in Sec. 8-1002.

Section 3: Severability

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences,

clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

Section 4: Repealer

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5: Effective Date

Unless specifically specified elsewhere in this Ordinance, the effective date of this Ordinance shall be **November 1, 2017**.

The foregoing Ordinance No. **2017-018** was adopted on **September 26, 2017** was offered by Councilmember **Willis**, who moved its approval. The motion was seconded by Councilmember **Jackson**, and being put to a vote, the result was as follows:

“THIRD READING”

	AYE	NAY
William “Bill” Edwards, Mayor	<hr/>	<hr/>
Catherine Foster Rowell, Mayor Pro Tem	<hr/> √	<hr/>
Carmalitha Lizandra Gumbs	<hr/> √	<hr/>
Helen Zenobia Willis	<hr/> √	<hr/>
Gertrude Naeema Gilyard	<hr/> √	<hr/>
Rosie Jackson	<hr/> √	<hr/>
khalid kamau	<hr/> √	<hr/>
Mark Baker	<hr/> √	<hr/>

THIS ORDINANCE adopted this 26th day of September 2017. CITY OF
SOUTH FULTON, GEORGIA


WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:


MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:


JOSH BELINFANTE, INTERIM CITY ATTORNEY

